UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS EL PASO DIVISION

EMILIO GUTIERREZ-SOTO and OSCAR GUTIERREZ-SOTO,

Petitioners,

v.

JEFFERSON SESSIONS III, in his official capacity as Attorney General of the United States; KIRSTJEN NIELSEN, in her official capacity as Secretary of U.S. Department of Homeland Security; THOMAS HOMAN, in his official capacity as Director of U.S. Immigrations and Customs Enforcement; WILLIAM JOYCE, in his official capacity as Acting El Paso Field Office Director for U.S. Immigration and Customs Enforcement; and UNITED STATES DEPARTMENT OF HOMELAND SECURITY,

Respondents.

EP-18-CV-00071-DCG

ORDER DISMISSING CASE

Presently before the Court is Respondents' "Motion to Dismiss" ("Motion") (ECF No. 58) filed on July 27, 2018. Therein, Respondents ask the Court to dismiss the instant case because Petitioners have been released from custody, which moots the habeas petition. Mot. at 3–4. Petitioners filed their Writ of Habeas Corpus in this case requesting that the Court order Respondents to release Petitioners from detention. Writ at 20, ECF No. 1. Respondents have now released Petitioners from detention. Mot., Ex. 1–2. Therefore, Petitioners' Writ is rendered moot. See Salgado v. Fed. Bureau of Prisons, 220 F. App'x 256, 257 (5th Cir. 2007) ("An appeal is not moot simply because a § 2241 petitioner is no longer in custody. However, an

action is most when the court cannot grant the relief requested by the moving party." (internal citation omitted)).

Accordingly, IT IS ORDERED that Respondents' "Motion to Dismiss" (ECF No. 58) is GRANTED.

IT IS FURTHER ORDERED that Petitioners Emilio Gutierrez-Soto and Oscar Gutierrez-Soto's "Petition for Writ of Habeas Corpus" (ECF No. 1) is DISMISSED AS MOOT.

IT IS MOREOVER ORDERED that all pending motions and orders, if any, are DISMISSED AS MOOT.

IT IS FINALLY ORDERED that the Clerk of the Court shall CLOSE this case.

So ORDERED and SIGNED this 27th day of July 2018.

DAVID C. GUADERRAMA

UNITED STATES DISTRICT JUDGE